

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

JANE DOE I, Individually and as
Parent, Natural Guardian and Next
Friend of JANE DOE II, a Minor,

Plaintiff,

v.

BIBB COUNTY SCHOOL
DISTRICT,

Defendant.

CIVIL ACTION FILE
NO. 5:12-CV-468-MTT

DEFENDANT'S MOTION TO DISMISS

COMES NOW, **BIBB COUNTY SCHOOL DISTRICT**, Defendant in the above-styled action and, by and through counsel, and files this its Motion to Dismiss Count II of Plaintiff's First Amended Complaint, or Plaintiffs' proposed Second Amended Complaint should the Court grant Plaintiffs' pending Motion for Leave to Amend First Amended Complaint, for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. In support of this Motion to Dismiss, Defendant relies upon the following:

1. Defendant's Brief in Support of Its Motion to Dismiss, filed contemporaneously herewith.

WHEREFORE, Defendant respectfully requests this Honorable Court GRANT its Motion to Dismiss.

Respectfully submitted this 8th day of November, 2013.

HALL BOOTH SMITH, PC

/s/ Andrea L. Jolliffe

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Attorneys for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of November, 2013, I electronically filed the foregoing **Defendant's Motion to Dismiss** with the Clerk of the Court using the CM/ECF system which will send e-mail notification of such filing to the following:

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Respectfully submitted this 8th day of November, 2013.

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/s/ Andrea L. Jolliffe

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